

Agenda Item	5.2
Report No	PLN/053/24

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 7th August 2024

Report Title: 24/02584/PAN: Field Rigifa Limited
Phillips Mains Farm, Rigifa, Mey, Thurso

Report By: Area Planning Manager – North

Purpose/Executive Summary

Description: Construction and operation of a Battery Energy Storage System (BESS) with a capacity of up to 200MW with associated infrastructure (including interface substation and cable route to consented Gills Bay substation), access and ancillary works (including landscaping and biodiversity enhancement).

Ward: 03 – Wick and East Caithness

Recommendation

Members are asked to note the submission of the PAN and highlight any material issues they wish to be brought to the attention of the applicant before the submission of an application for planning permission.

1.0 BACKGROUND

- 1.1 This report informs the Planning Applications Committee of the submission of the attached Proposal of Application Notice (PAN).
- 1.2 The submission of the PAN accords with the provisions of the Planning etc. (Scotland) Act 2006 and was made valid on 18th June 2024. The PAN is a statutory requirement for planning applications for major or national developments and must be lodged at least 12 weeks prior to the submission of a planning application. Members are asked to note this may form the basis of a subsequent planning application.
- 1.3 The submitted information attached includes:
- Proposal of Application Notice (Application Form)
 - Location / Site Layout Plan.
- 1.4 In October 2022, The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 were amended by The Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021. This changed some of the consultation activities required by the applicant for PAN's submitted after 1st October 2022. The previous arrangements associated with the Covid-19 public health advice and previous modifications to the regulations, are now superseded. In line with the current regulations, the developer proposes to undertake two sets of in-person public consultation events at the Mey Village Hall, scheduled as follows:
- Event 1: Tuesday 25th June 2024, between 2:00-7:00pm
 - Event 2: Tuesday 22nd August 2024, between 2:00-7:00pm
- 1.5 The consultation was publicised and advertised in accordance with the appropriate statutory requirements, with adverts placed within the John o Groats Journal on 14th June 2024 and 9th August 2024. An invitation maildrop was undertaken 11 days before the first engagement event, making local residents aware of the proposed development and the consultation process. The catchment for its wider distribution covered a radius of 2km from the proposed site.
- 1.6 The Proposal of Application Notice has also been served on the host Dunnet and Canisbay Community Council along with neighbouring Sinclairs Bay and Castletown Community Council. Local Ward 3 (Wick and East Caithness) Elected Members, MSP's and MP have also been served notice.
- 1.7 Any forthcoming application will be accompanied by a Pre-Application Consultation (PAC) report explaining the consultation undertaken, feedback received, and any resultant amendments made to the planning application.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The proposed scheme is for a Battery Energy Storage System (BESS) facility, with a capacity of up to 200MW with associated infrastructure (including interface substation and cable route). It is anticipated that the scale of the development will mean that the

proposals will be considered under Section 36 of the Electricity Act 1989, by the Scottish Government's Energy Consents Unit (ECU).

- 2.2 The developer has sought formal pre-application advice from the Planning Authority, through the Pre-Application Advice Service for Major Developments.

3.0 SITE DESCRIPTION

- 3.1 The PAN boundary covers approximately 43.89ha taking in the existing Gills Bay substation at Thurso, Mey. The proposed site is connected to public road A836, by the tertiary road to the North. The site is surrounded by open, relatively flat land enclosed by woodland to the North/Northwest.
- 3.2 There are no other natural heritage designations within the site boundary nor is the site within connectivity distance of any Special Protection Area (SPA), Special Area of Conservation (SAC), or Sites of Special Scientific Interest (SSSI) other than Phillip Mains Mire and Loch of Mey SSSI which are approximately 0.6km to the East and 1.9km Northwest from the site.
- 3.3 There are no Listed Buildings or Scheduled Monuments in the vicinity of the site. The nearest Listed Building is the Barrock Free Church approximately 3.3km to the West of the site and the nearest monument is Earl's Cairn, chambered cairn approximately 3km away to the Southwest of the site.
- 3.4 According to SEPA's flood risk mapping, the site is set back from watercourses, with a low risk of surface water flooding or coastal flooding.

4.0 DEVELOPMENT PLAN

The following policies are relevant to the assessment of the proposal:

4.1 National Planning Framework (NPF) 4 (2023)

Policy 1 – Tackling the climate and nature crisis.

Policy 2 – Climate mitigation and adaptation

Policy 3 – Biodiversity

Policy 4 – Natural places

Policy 5 – Soils

Policy 20 - Blue and Green Infrastructure

Policy 7 – Historic assets and places

Policy 25 - Community Wealth Building

Policy 11 – Energy

Policy 22 – Flood risk and water management

Policy 23 – Health and safety

4.2 **Highland Wide Local Development Plan (2012) (HwLDP)**

- 28 - Sustainable Design
- 29 - Design Quality and Placemaking
- 30 - Physical Constraints
- 31 - Developer Contributions
- 36 - Development in the Wider Countryside
- 51 - Trees and Development
- 52 - Principle of Development in Woodland
- 56 - Travel
- 57 - Natural, Built and Cultural Heritage
- 58 - Protected Species
- 59 - Other Important Species
- 60 - Other Important Habitats
- 61 - Landscape
- 63 - Water Environment
- 64 - Flood Risk
- 66 - Surface Water Drainage
- 67 - Renewable Energy Developments
- 69 - Electricity Transmission Infrastructure
- 72 - Pollution
- 74 - Green Networks
- 77 - Public Access

4.3 **Caithness and Sutherland Local Development Plan (CaSPlan) (2022)**

The site is located within the wider countryside.

4.4 **Highland Council Supplementary Guidance**

- Developer Contributions (November 2018)
- Flood Risk & Drainage Impact Assessment (Jan 2013)
- Green Networks (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Highland Renewable Energy Strategy & Planning Guidelines (May 2006)
- Construction Environmental Management Process for Large Scale Projects (Aug 2010)
- Managing Waste in New Developments (Mar 2013)
- Physical Constraints (Mar 2013)
- Roads and Transport Guidelines for New Developments (May 2013)
- Standards for Archaeological Work (Mar 2012)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

4.5 **Scottish Government Policy and Other Guidance**

- Scottish Planning Policy and Guidance
- Scottish Planning Policy
- National Planning Framework 3 (June 2014)

- Revised Draft National Planning Framework 4 (Nov 2022)
- Scottish Energy Strategy (Dec 2017)
- Historic Environment Policy for Scotland (HEPS, 2019)
- PAN 56 - Planning and Noise
- PAN 58 - Environmental Impact Assessment
- PAN 60 - Planning for Natural Heritage
- 2020 Routemap for Renewable Energy
- Scottish Government Energy Efficient Scotland Route Map (May 2018)

5.0 POTENTIAL MATERIAL PLANNING CONSIDERATIONS

- a) Development Plan and other planning policy;
- b) Community amenity including operational noise impacts;
- c) Construction impacts;
- d) Roads and transport;
- e) Flood risk and drainage impacts;
- f) Impact on trees and woodland;
- g) Design, landscape, and visual impact (including cumulative impacts);
- h) Natural heritage including protected species and habitats;
- i) Built and cultural heritage;
- j) Economic impact and tourism;
- k) Construction impacts;
- l) Pollution;
- m) Decommissioning and restoration;
- n) Outdoor access; and,
- o) Any Other Material Considerations Raised within Representations.

6.0 CONCLUSION

- 6.1 The report presents the information submitted to date as part of the PAN. The policy considerations against which any future planning application will be considered have been summarised as well as the potential material planning considerations and key issues based on the information available to date. The list is not exhaustive and further matters may arise as and when a planning application is received and in the light of public representations and consultation responses.

7.0 IMPLICATIONS

- 7.1 Not applicable.

8.0 RECOMMENDATION

- 8.1 It is recommended the Committee notes the submission of the PAN and advises of any material issues it wishes to be brought to the applicant's attention.

Designation: Area Planning Manager – North

Author(s): Ikram Ullah

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 – Proposal of Application Notice (Application Form)
Plan 2 – Location Plan

The Town and Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) Act 2006 and Planning (Scotland) Act 2019

Town and Country Planning (Pre-Application Consultation) (Scotland) Regulations 2021

The Council will respond within 21 days of validation the Notice. It will advise whether the proposed Pre-application Consultation is satisfactory or if additional notification and consultation above the statutory minimum is required.

Please note that a planning application for this proposed development cannot be submitted less than 12 weeks from the date the Proposal of Application Notice is received by the Council and without the statutory consultation requirements having been undertaken. The planning application must be accompanied by a Pre-application consultation report.

The Proposal of Application Notice will be valid for a period of 18 months from the date of validation of the notice by the Council.

Data Protection

Your personal data will be managed in compliance with the Data Protection legislation. You can read our privacy notice for planning related certificates on the Council's website at:

https://www.highland.gov.uk/directory_record/1052173/planning_applications_consents_and_notice_of_review

I have read and understood the privacy notice.

Contact Details

Applicant	Field Rigifa Limited	Agent	David Bell Planning Ltd
Address	c/o Agent	Address	26 Alva Street Edinburgh EH2 4PY
Phone	c/o Agent	Phone	07807 528686
Email	c/o Agent	Email	pippa.gardner@dbplanning.co.uk

Address or Location of Proposed Development

Land generally at Phillips Mains Farm
Rigifa, Thurso
KW14 8XH

Description of Development

Construction and operation of a Battery Energy Storage System (BESS) with a capacity of up to 200 MW with associated infrastructure (including interface substation and cable route to consented Gills Bay substation), access and ancillary works (including landscaping and

biodiversity enhancement).
 (Section 36 application to Energy Consents Unit (ECU))

Pre-application Screening Notice

Has a Screening Opinion been issued on the need for a Proposal of Application notice by the Highland Council in respect of the proposed development?
 If yes, please provide a copy of this Opinion.

Yes No

Community Consultation


State which other parties have received a copy of this Proposal of Application Notice.

Community Council/s	Date Notice Served
Dunnet and Canisbay Community Council [Neighbouring: Sinclairs Bay Community Council Castletown Community Council]	13 June 2024
Local Elected Members	Date Notice Served
Cllr Raymond Bremner Cllr Andrew Jarvie Cllr Willie Mackay Cllr Jan McEwan [Neighbouring: Cllr Ron Gunn Cllr Matthew Reiss Cllr Karl Rosie Cllr Struan Mackie]	13 June 2024
Members of Scottish Parliament and Members of Parliament	Date Notice Served
Jamie Stone MP Maree Todd MSP Douglas Ross MSP Edward Mountain MSP Rhoda Grant MSP Tim Eagle MSP Ariane Burgess MSP Jamie Halcro Johnston MSP Emma Roddick MSP	13 June 2024
Names / details of other parties	Date Notice Served

Details of Proposed Consultation		
Proposed Public Event 1	Venue	Date and Time
	Mey Village Hall Castle Entrance, Mey, Caithness KW14 8XH	14:00 - 19:00 25 June 2024
Proposed Public Event 2	Venue	Date and Time
<i>(at least 14 days after Public Event 1)</i>	Mey Village Hall Castle Entrance, Mey, Caithness KW14 8XH	14:00 - 19:00 22 August 2024

Publication of Event		
Newspaper Advert	Name of Newspaper	Advert Date
	John O'Groats Journal	Friday 14 June 2024

Details of any other consultation methods (date, time and with whom)
<ul style="list-style-type: none"> • Delivery of consultation brochures to landowners within 2 km vicinity of the proposed site, including an invitation to public events (week commencing 17 June 2024) • Project website (https://fieldrigifa.co.uk) • Meetings with community council members or other political stakeholders upon request (dates to be confirmed with relevant stakeholders depending on availability).

Signed		Date	13 June 2024
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Drawing Notes:

- All dimensions are shown in mm unless noted otherwise.
- Do not scale from this drawing.
- Planning boundary area = 50.873Ha
- Landlord's property is unregistered and the area shown is the area within the landlord's property where construction work will be carried out. Refer to drawing number BTGBRIG01-008.1 for the landownership plan.

List of Addresses	
1	2 Phillips Mains, Mey, Thurso, KW14 8XH
2	West Lodge, Mey, Thurso, KW14 8XH
3	Woodlands, Mey, Thurso, KW14 8XH
4	Bruch House, Mey, Thurso, KW 14 8XH

Legend

Planning Boundary

REV	DATE	DESCRIPTION	BY	CHKD
4	18/01/2024	LANDLORD'S PROPERTY RENAMED, 1:5000 SCALE ADDED TO SCALE BAR.	JH	AP
3	18/01/2024	LANDLORD'S PROPERTY AND PLANNING BOUNDARY AMENDED	JH	JM
2	04/04/2024	LANDLORD'S PROPERTY AMENDED	JH	RS
1	26/11/2024	DETAILS ADDED TO SITE LOCATION PLAN	JH	AP
0	18/01/2024	SITE LOCATION PLAN- ORIGINAL	WL	JH

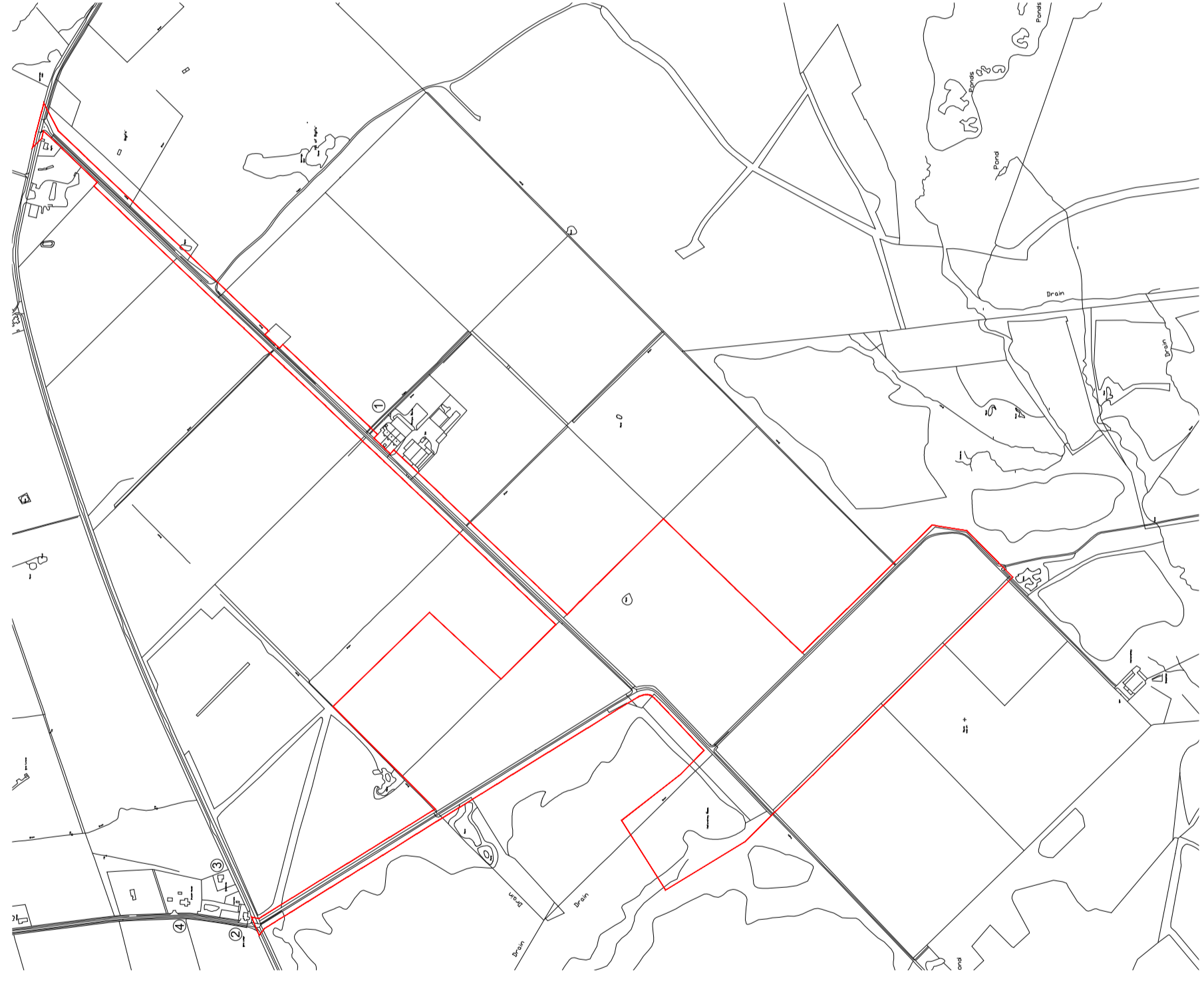


Field
 Fora - Montacute Yards
 186 Shoreditch High Street
 London
 E1 6HU

PROJECT
 RIGIFA

TITLE
 SITE LOCATION PLAN

DRAWING STATUS	
DATE	25.01.2024
DRAWN BY	JH
CHECKED BY	JH
APPROVED BY	AP
PROJECT NO.	002.1
DRAWING NO.	002.1
REV.	4



SCALE	
1:10	0, 100mm, 200mm, 300mm, 400mm, 500mm, 600mm, 700mm, 800mm, 900mm, 1m
1:20	0, 50mm, 100mm, 150mm, 200mm, 250mm, 300mm, 350mm, 400mm, 450mm, 500mm
1:25	0, 50mm, 100mm, 150mm, 200mm, 250mm, 300mm, 350mm, 400mm, 450mm, 500mm
1:50	0, 100mm, 200mm, 300mm, 400mm, 500mm, 600mm, 700mm, 800mm, 900mm, 1m
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1:300	0, 100mm, 200mm, 300mm, 400mm, 500mm, 600mm, 700mm, 800mm, 900mm, 1m
1:400	0, 100mm, 200mm, 300mm, 400mm, 500mm, 600mm, 700mm, 800mm, 900mm, 1m
1:500	0, 100mm, 200mm, 300mm, 400mm, 500mm, 600mm, 700mm, 800mm, 900mm, 1m

